JAN 09 1989

EXPRESS MAIL #B09264563Y

EXPRESS MAIL
RETURN RECEIPT REQUESTED

Mr. H. Gilbert Weil
Union Carbide Corporation
P.O. Box 670
Bound Brook, New Jersey 08805

Re: SCP-Carlstadt Site, Administrative Orders, Index Nos. II-CERCLA-50114 and II-CERCLA-60102

Dear Mr. Weil:

On January 5, 1989, members of the Technical Committee representing the Respondents for the above-referenced Orders and representatives from ERM met with EPA and NJDEP to discuss progress concerning the completion of the Operable Unit I Feasibility Study ("FS") for the SCP-Carlstadt Site ("the site"). This letter serves to confirm discussions at that meeting concerning various aspects of the FS and the supplemental remedial investigatory work.

Treatability Study Work

ERM delivered the "Draft Sampling Plan for Treatability Work" to EPA on January 4, 1989 (after 5:00 p.m.) and delivered the "Scope of Treatability Studies for the First Operable Unit Feasibility Study" to EPA during the meeting on January 5, 1989 for Agency review. EPA expressed its concern that these documents should have been delivered sooner, as had been agreed upon at the previous meeting of December 21, 1988. EPA explained that the Agency cannot provide immediate review and approval of either plan and that although such review typically necessitates at least thirty days, EPA will attempt to review the plans within one week.

EPA informed you (after ERM provided a short discussion of the treatability work plan) that the plan seems to lack detail regarding the analytical methods, parameters and labs. For example, EPA noted that information regarding whether the labs were participants in the Contract Laboratory Program (CLP) or would use CLP procedures was missing from the plans; such information is critical for EPA's review. You agreed to have ERM provide this information to EPA by Friday, January 6, 1989.

Since you desire to initiate treatability sampling activities immediately in order to initiate treatability testing, EPA informed you that any sampling or treatability testing performed prior to EPA's approval of either plan is being conducted at your

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*U.S.GPO:1988-0-206-471

own risk. As you were advised, EPA may require revisions to either plan and/or may determine that either plan is deficient. In fact, during the meeting, EPA informed you of various deficiencies in the documents based on an immediate cursory review. In either case, you understood and agreed that any information regarding the treatability testing initiated or samples collected prior to EPA approval could be disregarded and would not be incorporated into the FS. You also understood and agreed that EPA may require you to modify treatability study activities in accordance with the EPA-approved plans.

EPA also informed you (after ERM provided a brief discussion of the sampling plan) that the sampling plan seems to include information which is duplicative of Dames & Moore's sampling plan. EPA informed you that such information has already been approved by the Agency in Dames & Moore's Project Operations Plan and can therefore be incorporated by reference. In fact, at the December 21, 1988 meeting, EPA instructed you to have ERM follow Dames & Moore's approved sampling plan. As agreed, you will provide EPA with a letter referencing Dames & Moore's sampling plan.

Treatability Study Sample Shipment

EPA informed you that a resolution of the concerns raised in Susan Hoffman's letter (dated December 23, 1988) has been reached. EPA's Office of Regional Counsel has contacted Ms. Hoffman, by letter dated January 5, 1989, outlining the resolution.

Operable Unit I FS

ERM submitted a "Technology List". The technologies on the list are currently being screened as part of the initial phase of the operable unit FS. ERM will submit to EPA by no later than 5 pm, Friday, January 13, 1989 the results of the technologies screening. ERM will then proceed to develop source control alternatives, and will complete the development of alternatives by no later than January 23, 1989.

A meeting was then scheduled for January 23, 1989 (at 10:00 am at EPA's Edison facility). Since at that time ERM will have completed the development of source control alternatives, EPA requested that ERM be prepared to present and discuss the alternatives in detail. EPA will provide informal feedback on ERM's technology screening report, provided it is delivered by January 13, 1989.

EPA suggested these bi-weekly technical meetings to create a forum to resolve technical issues by providing informal feedback as work progresses. To date, the meetings have consisted of

presentations of reports/plans which are being submitted to EPA for review. EPA believes the meetings will be more productive if ERM provides information on an informal basis as a task is progressing, rather than only presenting the completed task in a formal report. The free flow of information to EPA can only benefit the progress of the project as it will expedite EPA review of the formal deliverables.

Status of Operable Unit II Remedial Investigation

During the meeting, you informed EPA that shallow well installation has been initiated and that the Bedrock well installation (and soil sampling) will begin on Monday, January 9, 1989. You requested a modification of the sampling and analytical procedure for soil samples from the Bedrock well. EPA informed you that any sampling procedure different from those approved in the POP cannot be implemented (and the resulting data incorporated into the site record) without prior EPA review and approval of such a procedure. EPA explained that any revision to sampling procedures should have been included in POP Revisions 8 and 9 at the time of submittal to EPA, and that it was inappropriate to propose such a revision the day before sampling was scheduled to commence.

EPA clearly informed you that any data resulting from a sample that is collected and analyzed in an manner inconsistent with the POP will not be considered or reviewed by the Agency. EPA agreed to permit you to propose a modified sampling procedure for future work at the site. However, EPA made it clear that, should you subsequently propose a modification to the sampling procedures (as a revision to the POP) and the procedures are approved, EPA will not permit you to retroactively incorporate any data which was gathered by that method prior to EPA approval.

If you have any questions regarding this matter, or if the above does not reflect your understanding of the discussions, please contact Janet Feldstein or James Schmidtberger, of my staff, at (212) 264-2646.

Sincerely yours,

Raymond Basso, Chief
New Jersey Compliance Branch

cc: Tom Armstrong, General Electric
William Warren, Esq.
Pamela Lange, NJDEP

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